

G. R. S. 58]

Previous references.

File No. 205-12

19/2. 13

Serial Nos. 1-5

(Court)

Later references.

Cs-157-33-324

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Part B for Aug. 13

SUBJECT.

Remuneration to assessors in the
Kunzepl riot case.

1. From Mr. Mir Humza Hussain, Session Judge
Mysore.
J 2243 ~~of~~ of 18/2/13.

Reports that the assessors sitting
in the court of the Addl Session Judge, Mysore,
may be duly remunerated on a/c of the special
hardship caused to them by the prolonged
trial of the cases.

2. Of the Same Office. J 2540 of 27/2/13.
states that ^{GPB-5,000-23-10-10} Govt are not inclined to
sanction any remuneration to the assessors.
McGhouse P. T. C.

GENERAL AND REVENUE SECRETARIAT.

(Contd.)

NOTES.

File No. 205 of
1912-13

FILE HEADING.

Remuneration to assessors in the Municipal
not cases.

Extract From a D.O. letter from Mr. Humza Hanani, Sessions Judge

No.

Dated 17.2.13

Received 18.2.13

Diary No. 2242

Enclos.

Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Suggest. that the assessors sitting in the Court of the Additional Sessions Judge, Mysore, may be ^{only} remunerated on account of the special hardship caused to them by the prolonged trial of the cases.

NOTES AND ORDERS.

1) Subd. may be forwarded w-o Ks to Regr. Chief Court.

SN

19/2/13

D7 Le 4)

SD
15/2

Result with a copy
of the Rules in force in
Madras + Bombay.

2) I doubt if this is a fit case for consulting the Chief Court.
The trial of the Municipal ^{case} ₁ was no doubt last for about 2 or 3 months.

NOTES—First Sheet.

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but it is inexpedient to pay wages for allowance to the annons or to select Govt servants as annons wholly. thereby the Govt would suffer in public estimation. In Madras annons officers are not to be paid allowance excepting travelling allowances to a limited extent. (Vat extract).

3) The law considers it a public duty on the part of the qualified people to serve as annons officers & must be presumed to have taken into account the hardship resulting to them in protracted trials.

4) Nevertheless, it will be a graceful compliment to the non-officials chosen for this case if the Govt can promise them exemption from future liability to attend clause (1) of Sec 320 Cr Pro code. It will be a fitting & public & personal recognition of the services of the gentlemen.

D. M. Narasimham
20/2

1st Councillor
& Duran
through Secy

WJ
20/2 Duran
1st 20/2

5) ~~There~~ I think that Mr. Hanura Hussain is a little too premature in raising this question. The Assessors themselves may not raise this question. A d.o. reply may be sent that ~~at present~~ as at present

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advised, for 2 are not
inclined to sanction any
remuneration.

[Signature]
21/2/13

[Signature]
22/2/13

6 I agree with the 1st Com. letter

25.2.13

[Signature]

7 Draft do. *[Signature]*
26/2/13

8 Sub mtr a draft D.O.

[Signature]
26/2/13

[Signature]

9 done

[Signature]
27/2/13

[Signature]
27/2/13

To Mr. M. H. Humza Humain

D.O. No. 2540 of 27-2-13

State that as at present advised Govt
are not inclined to sanction any remunera-
-tion to the assessors sitting in the
Karnigal riot case before the Ad. Session.

[Signature]



For

Mallavarani

27 Apr 1913

My dear Vivesvaraya,

10 I have spoken to
Mr. Hanza Husen about
payment to assessors in
the Kannegal Case. From
what I gather, the Case
is a hard one for them
& I think that they de-
serve to be paid for.

their trouble. If you
can agree, we may
then 3 Rs for each day
of attendance. As there
are 7 assessors, this wd
be about 450 Rs a month
or 1800 or 2000 Rs in
all.

|| As this is a very
exceptional case, I
believe there is no

risk of its being relied on as a precedent in future cases.

12 The Chief Judge is not here. Otherwise I should have consulted him.

13 As the sum is fairly large, I sug-

fest the sanction of His
Highness being ob-
tained. An early dis-
posal is desirable.

Yours sincerely
H. Maunslunday

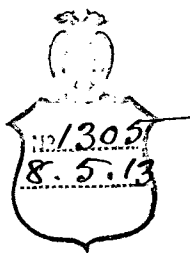
§

Submitted to His Highness.

14 I submit herewith a D.O. letter of the 27th April 1913, from the First Councillor regarding the payment of an allowance to the assessors in the Kannegal riot case which is now being tried by the Special Sessions Judge at Mysore. He considers that the assessors deserve to be remunerated for their trouble and suggests the payment of an allowance of Rs.3 for each day of attendance. This would amount to about Rs.450 a month or Rs.1,800 or 2,000 in all.

15 2. I think that in view of the long time the trial of the case is expected to take, the assessors who will be put to loss on account of their inability to attend to their usual vocations, should be compensated in some measure for their trouble. The proposed payment may be sanctioned as a special case and on the understanding that this should not be treated as a precedent.

M. Y. B. Varaya
8th May 1913



Record of Cases submitted for the Orders
of His Highness the Maharaja

Subject.

Question of paying an allowance
to the assessors in the Kannegal riot
case now being tried by the Special
Sessions Judge, Mysore.

Order.

16 Sanctioned

~~KRUP~~

13/5/13

Sanctioned

17 The order may issue at once

13.5.13 R6

B III

18 Drugs may be put up

Subscribed to 1st Commr

LB

16/5/13

SOM
16/5

P.T.O.

D. R. S. 12]

General and Revenue
Secretariat.

65 File No. 205 of 1912-13

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19) Subd with a draft order.

Kg.-129 SN
16/5/13

20)

Dr. Secy)

Spt 16/5

Draft as per paras 10 to 18 is put up. The
1st Commisr) Fin. Dept has not been consulted.Duty of Secy
17/5
Spt 17/5Offr - Draft as immediate
until issue or done
Disposal. 21/5The draft may issue
after showing it to the21) The 1st Commisr will demit-officially to the Vacation Chief
Court Judge in the matter of remunerating the members
in the Kamrajal case. The draft of the d.o. is in the
file.22) The sealed cover contains the repl of the Judge
with the views & recommendations of the 1st Commisr.23) The draft sanctioning the remuneration
as per H. H's orders has been approved by the 1st Commisr &
is in the file.

23) Dwan)

Duty of Secy
11/5

24)

This subject may be brought up at the
next meeting of Commisr.

23.6.13 RB

Note for meeting: 25 Circulated to Commisr

Duty of Secy
24/6/13

24/6/13 Wey

22
26/6

27/6/13

NOTE—Contn. sheet.

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Submits the draft of a Dec
h. in Chief Justice ^{copy} as personally
inspected, for approval

1st Commr

W. J.
8/8

Draft slightly added and
approved by 1st Commissioner
M.S. 8.8.13.
— 17 ^{me} W. J.
8/8

3

D.O. No 41/Bue 1. of 9. 8. 1913.

Rao Prabhakar,

P. S. Krishna Rao Esq. B. A., B.L.

Chief Judge, Mysore Chief Court.

Requests him to re-consider the
question with his colleagues and favour
Govt with his opinion, as Govt do not
wish to remunerate the assessors if it
should still be considered quite objec-
tionable by the Chief Court.

4

From, The Chief Judge, Chief Court,
D.O. dated 18. 8. 1913.

States that the question of re-
munerating the assessors in the Kan-
gal riot case was again considered

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No.

by the Judges of the Chief Court
and that they are of opinion that
in view of the peculiar circumstances
of the case, an exception may be
made in favor of the assessors as
proposed by Govt.

24 Submitted for order.

1st Counselor

25
18/8/13

29 I am of opinion that the
order already proposed
may be issued.

Deewan
29

29
18/8/13

31 Revised order approved by Deewan.
Has been issued.

29
18/8/13.

To the Regl. Ch Court, Comptroller, ^{Hosr¹ Br^{II}} Dist. magt
of Mysore. and Adol Sessions Judge Mysore
No of 757-59 D 29.8.13
Sanctions as a special case on a clearance of
Rs 200/- to each of the assessors in the Kannega
not case

Extract from a D.O. letter of the 17th Feb 1913
No. J2242

from Mr. Mr. Huzza Hussain, Sessions
Judge.

or

Mr. Kannekal
not case.

3) The trial of the case will involve a great
hardship to the assessors. I do not know how long it
will last. The trial of the Malavalli Riot Case
lasted for 3 months before the Dist. Magistrate
Meyne, though as I know (I was his personal
Assistant then) he worked regularly from 11 AM to
5 P.M. every day. In that case I believe there were
not more than 40 accused and the charges
framed against them were few and simple in
their nature. I do not know what time the
Commissioner Magistrate took to conclude the pre-
liminary enquiry in this case, but supposing
that the trial last at least for 3 months, it
will be difficult to find assessors who will be
able to spare their services for such a long
period. I think it will be necessary to ~~remun-~~
remunerate them in order to avoid this
trial becoming a source of trouble and hardship.

way of positive injury to third parties. There is
 nothing in the Criminal Procedure Code which
 prohibits the payment of assessors and I see no
 objection in principle for the same. When
 Government Servants can be employed as
 Assessors, there is no reason why remunerat-
 ed non-officials should not be employed. The
 best course would be to appoint as assessors
 Government Servants only, acting arrangements
 being made, if necessary, to fill up their places.
 But I do not know if any Government Servants
 are included in the list of assessors of the
 Mysore District. If they are not, then the Govt,
 I think, will have to pass orders for the re-
 -muneration of the assessors as a special case
 owing to the exceptional nature of the case. It
 may be difficult to fix the scale of re-
 -muneration but the Government, I think, should
 not be deterred from passing orders on that
 account."

4

D.O. No. H.I. 27 9. 8. 1913
Exe. I.

*Dring 1 for
approval
in
S.P.*

Dear sir,

I am desirous to invite your kind reference to Mr. Justice Chandrasekhara Aiyar's letter dated 19th May last (a copy of which is herewith annexed for ready reference) in the matter of payment of remuneration to the Assessors in the Kannegal riot case now under trial before ~~xxx~~ ~~Ex~~ Mr. Humza Hussain, Additional Sessions Judge, Mysore. In the letter, objection is taken to the proposed payment of remuneration on the ground that besides forming an inconvenient precedent for the future, it will conflict with the principle underlying the appointment of unpaid assessors and reduce them to the position of paid servants of Government; and it is suggested that it will be a sufficient concession to the assessors if they are exempted from being summoned again to

5

serve as ~~assessors~~ for the rest of their lives. While admitting that there is much force in the above view of the question, Government are of opinion that the case under consideration is so special and unique (such cases occurring perhaps not more than one in a decade or two) that there need not be any apprehension of its forming an inconvenient precedent for the future and that an exception may well be made in respect of it without violation of principle. In view of the peculiar circumstances of the case, Government feel that the exemption of the assessors for life will not adequately repay them for all the trouble, inconvenience and pecuniary loss to which they have been subjected owing to the protraction of the trial for a period of about 6 months and that it will be not only gracious but also just and equitable for the Government to recompense them in a way

by payment of a fair and reasonable remuneration.

I am accordingly to request that you will kindly re-consider the question with your colleagues and favour Government with an expression of your opinion in the matter, as Govt

do not wish to adopt this course, if it ^{shd} ~~is~~ still be considered ~~as~~ quite objectionable by the Ch. Court.

Yours truly

[Signature]
8/8/13

[Signature]
8/8 - 13

To

Rao Bahadur

P. S. Krishna Rao Esq B.A.B.

Chief Judge

Mysore Chief Court

B. 111
12/8CONFIDENTIAL

Chief Court of Mysore.

Bangalore, dated 18th August 1913.

Dear Sir,

Your D.O. letter No.41 dated the 9th Instant regarding the payment of remuneration to the Assessors in the Kannegal riot case. My colleagues and I have again considered the subject and are of opinion that in view of the peculiar circumstances of the case, an exception may be made in favour of the ^{said} Assessors as proposed by Government.

Yours Sincerely
K. R. Sreenivasiengar
Chief Judge.

K. R. Sreenivasiengar, Esqr., M.A.,
Secretary to Government,
General and Revenue Departments.

50 pps
compd

Confidential

8

no. 16 1352
587492-13-7
1-9-13

dt 205-12

Order J. 757-59
dt 205-12
dt 29.8.13

As the trial of the
prisoners concerned in
the Rioting Case of Kan-
negal before the Special
Less. Judge of Mysore
has occupied an unusu-
ally long period, Govt
consider it expedient to
allow to the Assessors
who assisted the Judge
as a Special Case, ~~they~~
~~the~~ Carriage and other
expenses to which they
have been put. A lump
sum of 200 Rs is sanc-
tioned for payment to
each of them, and it
may be drawn & disbursed
by the Special Less Judge

To the Supply Section
Muzial
at Mysore.
Muz
29/13

To

The Registrar, Chief Court

The Comptroller, Mysore Court,
through Br II

The Dist. Magistrate, Mysore

The Addl Sessions Judge, Mysore

all?
29/5

This may remain
28/11/13

28/11/13

28/11/13